

Approved Minutes of the Technical Advisory Committee Meeting
February 19, 2008

Members present: Roger Thompson Allison Lowry
 Gail Center Steve Revell
 Craig Heindel Gerry Kittle
 John Forcier Phil Dechert
 Spencer Harris

Others present: Anne Whiteley Claude Chevalier
 John Beauchamp George Mills
 Scott Stewart Chris Thompson

Scheduled meetings:

March 18, 2008 1-4 PM Appalachian Gap Room

Review of minutes

The minutes of the January 8, 2008 meeting were reviewed and accepted with the note that the licensed designer subcommittee should be dropped from the list.

Water Treatment Issues

Roger gave an overview of the history of permitting requirements for the installation of water treatment systems. Prior to July 1, 2007, there were only a small number of regulated buildings that required water treatment systems and these were issued permits based on designs by professional engineers. The vast majority of water treatment systems were unregulated. After July 1, 2007, when a contaminated water system serving a single family residence (SFR) was found, it delayed any property transfer or refinancing until the failed system was fixed. This requires a permit and the Rules explicitly require the design to be by a professional engineer. This adds considerable expense and delay to the process of selling or refinancing an SFR. The Agency wants to look at the existing requirements and revise them if possible to reduce or eliminate permitting requirements. The issues include what should be regulated, who can design when the system is regulated, whether there should be standards for the treatment equipment, and disposal of the byproducts with filter backwash disposal being a particular concern. There are also concerns about having enough designers and enough water testing capacity to meet the need.

George Mills noted that the Health Department Laboratory had not seen a recent large surge in testing. This raised the question of whether as many tests are being done as

had been forecast by realtors, attorneys, and others in the property transfer business. Gail asked what people contacting her should be told about which contaminants to test for and whether they should be referred to the regional offices for permits. Steve said he tells people to get a full test. George also raised a question as to whether the break between classes of water systems, such as private and public, should also include a break at 1350 GPD because this number is currently in the Rules. This number is related to the design flow of projects that designers who are not professional engineers are allowed to handle and may not be a good break point for relative risk of different classes of water systems.

Claude Chevalier and John Beauchamp asked about how water treatment systems had become subject to the Rules. Anne reviewed the history of statutory and rule changes related to failed water systems in response to concerns that failed water systems are permit violations that cloud property titles. The need to determine if a water system is failed leads to testing of the water quality, failure of the testing requirements leads to a need to modify the system, and the definition of a water system includes water treatment equipment. Modification of the water system requires a permit and the Rules are explicit that only professional engineers can design treatment systems.

Gail suggested that records should be kept and published of test results so that knowledge of “hot spots” could be developed and used as guidance for specific testing requirements based on geographic location in a map form developed by DEC. Roger asked if all new wells should be tested. Craig said that water quality from a well often changes after a period of use of at least a few months. This sometimes reduces the level of contaminants and sometimes increases the level of contaminants. John Beauchamp agreed, noting that several months of use may be required until the water quality stabilizes.

Decisions

Anne noted that in addition to the current individual permit approach, it would be possible to do a general permit or a permit by rule. A conditional exemption, which functions much the same as a permit by rule, could also be created. Claude suggested that any permitting requirement would be a nightmare of regulation that is really not needed. John Forcier commented that some situations need to be regulated and that some systems also need to have maintenance contracts in place to ensure the systems continue to operate as designed.

Anne suggested looking at treatment systems dealing with secondary standards, pathogens, and primary standards one at a time and seeing if there is consensus on one or more groups. Anne posed the question of whether treatment systems used for secondary standards should be regulated, and whether it mattered if the system served only a single family residence or other uses up to, but not including a system classed as a public water supply. John Forcier said deregulation might be OK for SFRs. Allison said the SFRs should be deregulated. Gail supported deregulation because the Health Department provides advice and permitting requirements may lead people to not deal with failed

systems. Gail noted that she hopes to eventually have maps that will help people make decisions about water testing choices.

Anne then asked if there is support to deregulate water treatment systems for secondary standards. Gerry asked about the impact of water treatment filter backwash on leachfields. Claude said that current thinking he has seen suggests less impact on the leachfield than once thought. There may be an impact on the septic tank and bypassing is commonly done to avoid this impact. John Beauchamp suggested that filter backwash might increase discharges to the leachfield by about 20% at the high end of the range.

Secondary standards

Anne polled TAC and there was consensus to deregulate water treatment systems for secondary standards serving SFR. There was also consensus among TAC members to deregulate all water treatment systems for secondary standards serving non-public water supplies. This would include duplexes, office buildings with less than 25 employees, day care businesses with up to 25 staff and children. John Forcier noted that there might be a need to revise the P.E. statute to implement this.

Pathogens

Anne asked if systems treating pathogens should be regulated. Phil asked if a person would need help in selecting an appropriate system. Claude said that a person could rely on the work of the Water Quality Association (WQA) in selecting an approved system. John Beauchamp noted that he has a Level 6 Certification from WQA and that WQA Certification does provide assurance that a person is knowledgeable.

Anne polled TAC on deregulating water treatment systems for pathogens. There was consensus among those present that systems serving SFR should be deregulated. There was a majority opinion that pathogenic treatment should be deregulated for all non-public water systems, with Roger and John Forcier indicating that they did not agree with this approach.

Primary standards

There was some brief discussion with agreement that radionuclides are a special case because of the disposal issues and should be considered separately. It was agreed to pick this up at the next meeting on March 18th or to schedule an extra meeting in the meantime.

Items prioritized for discussion with high, low, and medium ranking

1. Soil identification vs. perc test **medium**
2. Curtain drain with presumption of effectiveness **high**
3. Revisions to desktop hydro chart **medium**
4. Minimum amount of sand under a mound **high**
5. Grandfathered design flow and conversion of use policy **high**
6. Updating of design flow chart **high**

Executive Committee

John Forcier, Steve Revell, Lance Phelps, Phil Dechert, and Roger Thompson
Alternates – Chris Thompson, Bernie Chenette, Spencer Harris, Jeff Williams

Subcommittees

Hydrogeology - Allison Lowry, Craig Heindel, Dave Cotton and Steve Revell.

Training subcommittee - John Forcier, Roger Thompson, Allison Lowry, Dave Cotton, and Barbara Willis.

Drip Disposal – Roger Thompson, Dave Cotton, Steve Revell, Alan Huizenga

Water treatment systems – Gail Center, Jeff Williams, Rodney Pingree, Dave Cotton, Lance Phelps, and Roger Thompson.